

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MARQUISE ROBBINS  
Pro'se Petitioner

v.

SHELIA OUBRE, et al  
Defendants

: CIVIL No: 5:13-CV-348 (CAR)

: 42 U.S.C. § 1983

PETITIONER'S OBJECTIONS TO STATE'S DISMISSAL MOTION

NOW COMES PETITIONER WHO FILES THIS OBJECTIONS TO  
DEFENDANT'S DISMISSAL MOTION. IN SUPPORT OF HIS  
ARGUMENT, PETITIONER SHOWS THE COURT AS FOLLOWS:

1.

I WAS NEVER SERVED PROPERLY AS OF DEC 18, 2013, BY  
EITHER STATE ATTORNEY GENERAL OFFICE, OR BY ANY DEFENDANT  
WITH DISMISSAL NOTICE, AND THIS COURT DID NOT SERVE ME  
AS WELL. THE LAW SAYS IM TO BE SERVED PRIOR TO FILEN  
WITH STATES DISMISSAL MOTION, WHICH LAWS SPECIFICALLY  
DESCRIBES TO MEAN IM TO PHYSICALLY HAVE WHAT STATE FILES,  
IN APPROXIMATELY THE SAME DAY STATE FILES. THIS IS THE  
LAW BOOKS WORDING (NOT MY OWN) BUT LAW BOOKS SAYS THIS,

By: Marquise Robbins  
Pro'se Petitioner

SO STATE'S ADMISSION THAT THEY FILED ANSWER ELECTRONICALLY BEFORE THEY VE SERVED ME, THEN THEY VIOLATE LETTER OF LAW BY NOT SERVING ME PRIOR. FURTHERMORE, AS OF 12-21-13, I WAS STILL NOT SERVED BY DEFENDANTS OR THE COURT.

2.

STATE'S DISMISSAL MOTION CAN NOT BE HEARD BY THIS COURT DUE TO THEIR UNTIMELY FILEN. DEFENDANTS WERE SERVED IN THE MIDDLE OF OCTOBER, YET DEFENDANTS DIDNT FILE DISMISSAL UNTIL 2 MONTHS LATER WHEN D.C.G.A. 9-11-55 REQUIRES ANSWERS TO CIVIL SUITS IN THE STATE OF GEORGIA TO BE FILED IN UNDER 30 DAYS. (SEE THIS COURTS DOCKET SHEET IN CLERKS OFFICE FOR PROOF) SO DEFENDANTS IMMUNITY DONT EXIST IF THEY CANT BE HEARD, SO STATE'S IN DEFAULT AND FEDS HAS TO ABIDE BY STATE LAW AS WELL.

3.

28 U.S.C. 2248, SAYS ALL MY CLAIMS ARE TO BE CONSTRUED AS ALREADY PROVEN TRUE WHEN STATE FAILS TO CHALLENGE MY CLAIMS IN TIMELINES JUDGE ORDERS, SINCE OCT 16, 2013 SERVICE. THAT MAKES DEC 18, 2013 UNTIMELY SINCE 68 DAYS IS MOST IVE EVER HEARD ANY JUDGE ORDERING STATE TO RESPOND.

4.

DEFENDANTS CAN NOT PROVE THEIR ACTIONS WEIRE DISCRETIONARY, SINCE THERE WERENT ANY ACTIONS AT ALL, SO PAGE 12 LAST



2 LINES OF STATE'S DISMISSAL MOTION PROVES PETITIONERS SUIT SHOULD NOT BE DISMISSED.

5.

STATE IS ALLUDING TO GUARDS ABANDONING THEIR POST, WHICH IS ALSO FAILURE TO PROTECT WHEN THEY'VE SAID "I DID NOT SAY THEY WERE IN BOOTH WHEN I YELLED AND SCREAMED FOR HELP." BOTH GUARDS ABANDONED THEIR POST AND REFUSAL TO HELP ME IS FAILURE TO PROTECT ME.

6.

I SCREAMED FOR HELP AND BANGED ON DOOR FOR HELP, SO THAT ALONE PROVES THEY KNEW OF THE PROBLEM, AND REFUSED TO DO ANYTHING, TO PREVENT MY INJURIES.

7.

STATE DOES NOT HAVE IMMUNITY IN THIS SUIT SINCE STATE'S ACTIONS WERE NOT DISCRETIONARY, BUT MANDATORY PROCEDURE UNDER LAW.

8.

STATE CREATED DANGER THEORY SUPPORTS ANY CLAIM IN THIS SUIT AS CASE LAW.

9.

SPECIAL RELATIONSHIP THEORY SUPPORTS MY CLAIMS IN THIS SUIT AS CASE LAW.

10.

I HAVE NOT FAILED TO STATE A CLAIM FOR RELIEF.

11.

I DID NOT SAY "GUARDS WERE PERFORMING THEIR JOB DUTIES WHEN I WAS ATTACKED", STATE TWISTED CONTEXT OF MY WORDS, I MEANT THAT GUARDS WERE AT THEIR POST WHEN I WAS ATTACKED, THEIR POST MEANS INSIDE BUILDING CONTROL BOOTH.

12.

STATE SAYS "I CAN NOT PROVE GUARDS ILLEGALLY ACTED," BUT I CAN. SECURITY CAMERA'S PROVE IT, SO DOES OTHER INMATES TESTIMONY TOO, AS WELL AS PAST PAPER TRAIL DOCUMENTATION. HELPING ME IS ALSO SUPPOSED TO BE THEIR POST, BUT THEY WERENT THERE, THEY WERE JUST PHYSICALLY AT BALDWIN STATE PRISON IS MAINLY WHAT I MEANT.

13.

STATE PERSISTS ON BRINGING UP ISSUES IRRELEVANT TO ISSUES IN THIS SUIT BY THEIR STATEMENTS IN PAGE. 15 AND 16, SINCE THEY DONT APPLY HERE.

14.

IM NOT SUEING DEFENDANT'S FOR SOMETHING STATE HAS IMMUNITY TO.



15.

IM NOT SUEING GUARDS IN CONTEXT STATE CLAIMS,  
BUT IM SUEING INDIVIDUALS WHO ACTED UNDER COLOR  
OF LAW, NOT THE STATE.

16.

SINCE STATE SAYS THIS FEDERAL COURT DONT HAVE  
JURISDICTION TO RULE ON THIS CASE, THEN THAT ALSO  
MEANS THAT STATE ALSO DONT HAVE SAME FEDERAL  
PROTECTIONS THIS COURT CAN GIVE STATE THEN EITHER.

17.

IT'S UNCONSTITUTIONAL FOR STATE TO BE ABLE TO  
HAVE UN-WAIVERED RIGHTS, WHEN ALL MY RIGHTS CAN BE  
WAIVERED, SINCE THAT'S VIOLATION OF EQUAL TREATMENT  
OF LAW, AND VIOLATES PARAGRAPH 2 DECLARATION OF  
INDEPENDENCE OF 1776 OF THE 13 STATES, WHICH  
GEORGIA WAS ONE OF THOSE STATES.

18.

IF THE STATE HAS IMMUNITY THAT CANT BE WAIVED, THEN  
THEIR IMMUNITY IS WAIVING MY SOVEREIGN IMMUNITY AS  
I WAS BORN A U.S. CITIZEN WITH NUMEROUS UN-  
WAIVEABLE RIGHTS MYSELF, SO ANY DISMISSAL OF THIS  
SUIT WOULD VIOLATE MY UNWAIVED RIGHTS.

19.

THE STATE OF GEORGIA CONSTITUTION DID NOT EXIST AT  
THE TIME 42 U.S.C. § 1983 WAS MADE, AND MY U.S.

CONSTITUTIONAL RIGHTS MADE IN 1776, SUPERSEDE  
STATE OF GEORGIA'S 1983 CONSTITUTION.

20.

THE TRUE DUTIES OF GUARDS ARE TO HELP TORTURE AND  
KILL PRISONERS, BUT GUARDS TRUE DUTIES ARE NOT  
WRITTEN IN ANY LAW BOOK, OR IN ANY PRISON RULE BOOK, THEY  
HAVE UNWRITTEN BEHAVIORS THAT THEY DO EVERYDAY AND ALL  
IS AGAINST THE LAW.

21.

I'VE CLEARLY STATED IN MY COMPLAINT THAT DEFENDANT  
OUBRE "CONDONED" VIOLENCE IN G BUILDING, DORMITORY 2, AND  
SHE ALLOWED INMATES TO "PUT OTHER INMATES ON THE DOOR".  
MEANING SHE ALLOWED PRISONERS TO PHYSICALLY HARM OTHER  
PRISONERS, AND FORCE THEM TO LEAVE THE DORMITORY. THIS,  
AS I SAID IN MY COMPLAINT, MADE THE INMATES FEEL  
THEY WERE IN CONTROL OF THE DORMITORY, DEFENDANT  
OUBRE KNEW THIS AND REFUSED TO TAKE CONTROL. THIS  
IS NOT A "MERE AWARENESS OF INMATES GENERAL  
PROBLEMATIC NATURE", IT'S A DEPRIVATION OF MY  
FUNDAMENTAL CONSTITUTIONAL RIGHT. MY COMPLAINT  
HAS "ALLEGED SUFFICIENT FACTS" TO SUPPORT MY  
CLAIMS.

22.

I OBJECT TO ANY AND ALL SAID IN STATE'S  
DISMISSAL MOTION IN IT'S ENTIRETY.

WHEREFORE, THE ABOVE AND FOREGOING REASONS,  
PETITIONER RESPECTFULLY REQUEST THIS COURT TO  
DISREGARD STATE'S MOTION TO DISMISS IN ITS  
ENTIRETY.

RESPECTFULLY SUBMITTED,

Marquise Nothin #1000413667

Pro'se Petitioner